

CHAPTER NO. 665

HOUSE BILL NO. 2520

By Representative Mike Turner and Mr. Speaker Naifeh

Substituted for: Senate Bill No. 2139

By Senator Henry

AN ACT to amend Tennessee Code Annotated, Title 8, Chapter 16, relative to notaries public.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Title 8, Chapter 16, is amended by adding the following as a new section:

PART 4. CONSUMER PROTECTION

8-16-401. A notary public who is not an attorney licensed to practice law in this state who advertises in any language the person's services as a notary public by radio, television, signs, pamphlets, newspapers, telephone directory or other written or oral communication, or in any other matter, shall include with such advertisement the notice set forth in this Section in English and in the language used in the advertisement. The notice shall be of conspicuous size and shall state:

"I AM NOT AN ATTORNEY LICENSED TO PRACTICE LAW IN THE STATE OF TENNESSEE, AND I MAY NOT GIVE LEGAL ADVICE OR ACCEPT FEES FOR LEGAL ADVICE."

An advertisement on radio or television must include substantially the same message.

8-16-402. A notary public who is not an attorney licensed to practice law is prohibited from representing or advertising that the notary public is an immigration consultant, immigration paralegal or expert on immigration matters unless the notary public is an accredited representative of an organization recognized by the Board of Immigration Appeals. Pursuant to Title 8, Part 292, Section 2(a-3) of the Code of Federal Regulations (8 CFR § 292.2(a-e)) or any subsequent federal law.

8-16-403. Any failure to comply with the foregoing provisions constitutes an unfair or deceptive act as provided for in Tennessee Code Annotated, Section 47-18-104.

8-16-404. The provisions of Part 4 shall not apply to (1) notary services offered by a state or national bank, trust company, savings and loan association, savings bank or by any affiliate or subsidiary of such state or national bank, trust company, savings and loan association or savings bank or any agent or employee thereof; or to (2) any offering of notary services or listing of fees for notary services as a part of the closing of any loan transaction, extension of credit, security instrument or transfer of title.


SECTION 2. This act shall take effect upon becoming a law, the public welfare requiring it.

PASSED: April 17, 2002


JIMMY NAIFEH, SPEAKER
HOUSE OF REPRESENTATIVES


JOHN S. WILDER
SPEAKER OF THE SENATE

APPROVED this 24th day of April 2002


DON SUNDQUIST, GOVERNOR